

Interim Decision #2105

MATTER OF GODFREY
In Deportation Proceedings

A-12798739

Decided by Board November 29, 1971

- (1) Where no foundation was laid for such questioning, cross-examination concerning alleged improper Service methods of investigation was properly restricted by the special inquiry officer during the alien's deportation hearing.
- (2) Unsubstantiated allegations of official misconduct should not be urged on appeal to the Board of Immigration Appeals in deportation proceedings but should be substantiated by specification under oath in support of a motion to reopen the proceedings.

CHARGE:

Order: Act of 1952—Section 241(a)(1) [8 U.S.C. 1251(a)(1)]—Excludable at time of entry—no labor certification.

The special inquiry officer found the respondent deportable as charged in his order of February 12, 1971. He denied voluntary departure as a matter of administrative discretion. From his order the respondent appeals. Her appeal will be dismissed.

The record relates to a 40-year-old female, native and citizen of Jamaica, B.W.I., who entered the United States on or about June 21, 1966 as a special immigrant granted exemption from the labor certification requirement of section 212(a)(14) by virtue of her marriage to a United States citizen. The special inquiry officer found that the marriage was entered into solely for the purpose of evading the labor certification requirement and that the respondent, therefore, was not exempt from the provisions of section 212(a)(14). The special inquiry officer, therefore, found her deportable as charged. We agree and uphold the special inquiry officer's decision that deportability has been shown with evidence that is clear, convincing and unequivocal.

The Government's case against the respondent was based entirely upon her prehearing sworn statement in which she